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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |                                      |
|---------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, | ) | NO. CR 21-164 CRB                    |
|                           | ) |                                      |
| Plaintiff,                | ) | STIPULATION TO SET BRIEFING SCHEDULE |
|                           | ) | AND HEARING DATE AND EXCLUDE TIME    |
| v.                        | ) | UNDER THE SPEEDY TRIAL ACT FROM      |
|                           | ) | JANUARY 20, 2023, TO MAY 24, 2023    |
| DOUGLAS JAE WOO KIM,      | ) |                                      |
|                           | ) |                                      |
| Defendant.                | ) |                                      |

On January 20, 2023, the parties appeared before the Court for a hearing on the defendant's Motion for Discovery. At the resolution of that hearing, the parties did not set a subsequent appearance before the Court. The parties met and conferred, and defense counsel informed the government the defendant plans to file two Motions to Dismiss. Accordingly, the parties agree on the following briefing schedule for the defendant's Motions:

- Defendant's Motions due March 29, 2023
- Government's Oppositions due April 19, 2023
- Defendant's Replies (if any) due May 10, 2023

The parties checked with the Court and the Court is available for a hearing on the Motions on May 24, 2023 at 1:30 P.M. That date and time works for both parties.

Based on the foregoing, the parties request the Court adopt the briefing schedule set forth above and set a hearing on the Motions for May 24, 2023. The parties also agree and jointly request that the time between January 20, 2023, and May 24, 2023 be excluded under the Speedy Trial Act in order to provide reasonable time necessary for the effective preparation of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agree that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

DATED: February 9, 2023

/s/  
ROSS WEINGARTEN  
Assistant United States Attorney

DATED: February 9, 2023

/s/  
DEAN PAIK  
Counsel for Defendant Douglas Jae Woo Kim

### **[PROPOSED] ORDER**

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court and for good cause shown, the Court adopts the briefing schedule requested by the parties, sets a hearing on the forthcoming Motions on May 24, 2023 at 1:30 PM, and finds that the exclusion of time from January 20, 2023, through and including May 24, 2023, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny effective preparation of counsel and would result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: \_\_\_\_\_

CHARLES R. BREYER  
United States District Judge